

UNITED STATES DISTRICT COURT

for the

Southern District of New York

Division

19 CV 9755

Carol Melton

Case No.

(to be filled in by the Clerk's Office)

Plaintiff(s)

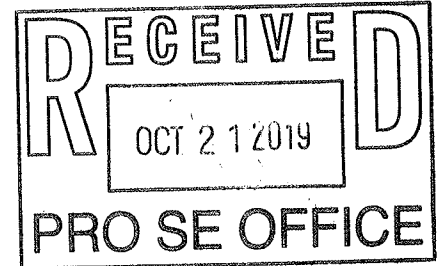
(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Poughkeepsie City School District

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Jury Trial: (check one) ☒ Yes ☐ No

COMPLAINT FOR EMPLOYMENT DISCRIMINATION

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Carol Melton
Street Address	P.O. Box 1014
City and County	Poughkeepsie, Dutchess
State and Zip Code	New York 12602
Telephone Number	845-204-3395
E-mail Address	shaolin1princess@hotmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	Poughkeepsie City School District
Job or Title <i>(if known)</i>	
Street Address	11 College Avenue
City and County	Poughkeepsie, Dutchess
State and Zip Code	New York 12603
Telephone Number	(845) 451-4950
E-mail Address <i>(if known)</i>	

Defendant No. 2

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

Defendant No. 3

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

Defendant No. 4

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is

Name	Morse Elementary School
Street Address	101 Mansion Street
City and County	Poughkeepsie, Dutchess
State and Zip Code	New York 12601
Telephone Number	

II. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to *(check all that apply)*:



Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)



Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)



Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)



Other federal law *(specify the federal law)*:



Relevant state law *(specify, if known)*:



Relevant city or county law *(specify, if known)*:

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes *(check all that apply)*:

- ☐ Failure to hire me.
- ☐ Termination of my employment.
- ☒ Failure to promote me.
- ☐ Failure to accommodate my disability.
- ☒ Unequal terms and conditions of my employment.
- ☒ Retaliation.
- ☒ Other acts *(specify)*: Retaliation after 6/2017, which is the cutoff date set by the court

(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)

C. I believe that defendant(s) *(check one)*:

- ☒ is/are still committing these acts against me.
- ☐ is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my *(check all that apply and explain)*:

- ☒ race _____
 - ☐ color _____
 - ☐ gender/sex _____
 - ☐ religion _____
 - ☐ national origin _____
 - ☐ age *(year of birth)* _____ *(only when asserting a claim of age discrimination.)*
 - ☐ disability or perceived disability *(specify disability)* _____
-

E. The facts of my case are as follows. Attach additional pages if needed.

SEE ATTACHED

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

IV. Exhaustion of Federal Administrative Remedies

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on *(date)*

APPROXIMATELY 11/29/2018

- B. The Equal Employment Opportunity Commission *(check one)*:

☐

has not issued a Notice of Right to Sue letter.

☒

issued a Notice of Right to Sue letter, which I received on *(date)* 07/19/2019 .

(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

- C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct *(check one)*:

☐

60 days or more have elapsed.

☐

less than 60 days have elapsed.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

SEE ATTACHED

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: _____

Signature of Plaintiff

Printed Name of Plaintiff


 Carol Melton
B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address



U.S. Department of Justice

Civil Rights Division

NOTICE OF RIGHT TO SUE WITHIN 90 DAYS

CERTIFIED MAIL

7018 1830 0000 1246 3075

950 Pennsylvania Avenue, N.W.

Karen Ferguson, EMP, PHB, Room 4701

Washington, DC 20530

July 09, 2019

Ms. Carol Melton

P.O. Box 1014

Poughkeepsie, NY 12601

Re: EEOC Charge Against Poughkeepsie City School Dist.

No. 520201804849

Dear Ms. Melton:

Because you filed the above charge with the Equal Employment Opportunity Commission, and more than 180 days have elapsed since the date the Commission assumed jurisdiction over the charge, and no suit based thereon has been filed by this Department, and because you have specifically requested this Notice, you are hereby notified that you have the right to institute a civil action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e, et seq., against the above-named respondent.

If you choose to commence a civil action, such suit must be filed in the appropriate Court within 90 days of your receipt of this Notice. If you cannot afford or are unable to retain an attorney to represent you, the Court may, at its discretion, assist you in obtaining an attorney. If you plan to ask the Court to help you find an attorney, you must make this request of the Court in the form and manner it requires. Your request to the Court should be made well before the end of the time period mentioned above. A request for representation does not relieve you of the obligation to file suit within this 90-day period.

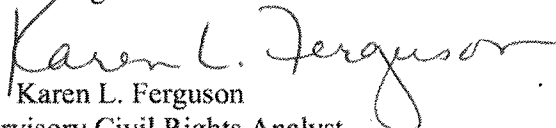
The investigative file pertaining to your case is located in the EEOC New York District Office, New York, NY.

This Notice should not be taken to mean that the Department of Justice has made a judgment as to whether or not your case is meritorious.

Sincerely,

Eric S. Dreiband
Assistant Attorney General
Civil Rights Division

by


Karen L. Ferguson
Supervisory Civil Rights Analyst
Employment Litigation Section

cc: New York District Office, EEOC
Poughkeepsie City School Dist.

ATTACHMENT A

Facts

(Retaliation after June 23, 2017)

1. Morse Elementary School Assistant Principal Ms. Nicole Penn conducted a group interview for summer positions and it was stated in the email to the internal applicants that there would be no other time scheduled for these positions. However, the applicants who did not show up for the group interview were given the jobs/positions. In fact, at least one of the candidates selected for a position was not a certified teaching assistant as it required.
2. Morse Elementary School Assistant Principal Ms. Nicole Penn gave me a 2nd interview for a summer position in July/August 2017 – 2nd but told Poughkeepsie City School District's lawyers I did not show up for the interview. However, there is written evidence contrary to her statement.
3. November 1, 2017, I was not approved for the empire state grant for my organization despite being the most successful program in the district.
4. In January 2018, the District appointed an employee with less seniority to an afterschool program which is an extra assignment. My union's collective bargaining agreement (CBA) states that seniority is the most important factor in all extra assignments.
5. Principal Ms. Nadine Dargan, 2015- 2016, 2016 – 2017, 2017 – 2018, 2018 – 2019 and this school year, has declined to provide an air conditioner although all others classrooms except mine have window air conditioner units. During warmer weather it becomes unbearable especially with computers running continually. I have not received a reason why everyone except me has a window air conditioner.
6. In April 20, 2018, \$427.20 was deducted from my paycheck that was not deducted in the past for the same reason. Then Assistant Superintendent for Human Resources Dr. Kathleen Farrell deducted the money from my check stating district policy and my unit contract but could not produce the applicable policy nor identify the section in my CBA. They had docked me another \$185.13 (which they shouldn't have), but they reimbursed me because they had docked me for the same day twice.
7. In June 2018, the Poughkeepsie City School District refused to interview me for summer positions of which I was qualified. Many others received the positions, and most had less seniority than me.

Acts of Implicit/Explicit Bias, Discrimination and Retaliation

8. In September 11 – 14, 2018 I received a phone call from Interim Superintendent Dr. Kathleen Farrell to take training for 4 days (Tuesday – Friday) from 8:00 AM to 4:00 PM. However, Dr. Eric

ATTACHMENT B

Injuries

The constant harassment, intimidation, retaliation from my building principal Ms. Nadine Dargan and assistant principal Ms. Nicole Penn. My building principal Ms. Nadine Dargan repeatedly tried to destroy my lab which is the most successful in district history. Dr. Eric Bradford, Community Schools Grant Site Coordinator had others follow and surveil me while preventing me from receiving training. The district prevented me from applying for positions. Middle School Principal Mr. D'Avilar kicked me out of the Poughkeepsie Middle School like I was a criminal or was causing some type of problem which is stressful, embarrassing and humiliating. I was only there for training. Dr. Farrell, Ms. Nicole Penn and others constantly lied about me and to me, creating a hostile work environment which made it difficult for me to do my job to best of my ability. Funding was given to everyone who applied except me. These incidents and similar incidents have caused me a tremendous amount of stress and nervousness just coming to work because I do not know what is going to happen next causing my hair to fall out among other things.

ATTACHMENT C

Relief

I am requesting the Court to order that:

- the Poughkeepsie City School District and/or it's designees to cease and desist all retaliatory acts against my person and from creating and encouraging a hostile work environment against me.
- the Poughkeepsie City School District to cease and desist any and all discriminatory and racist treatment of me and my peers.
- the Poughkeepsie City School District to remove any and all negative and derogatory documentation pertaining to me and/or my husband from any and all internal and external district, building, personnel and personal files public or private.

\$4,800 2017 summer programs

\$4,800 2018 summer programs

Approximately \$12,000 for Empire State Grant for 2017 -2018 school year.

Approximately \$12,000 for Empire State Grant for 2018 -2019 school year.

Approximately \$44,800 for not being approved for the Empire State Grant 2017 -2018 for The Mighty Young Techs™

Approximately \$44,800 for not being approved for the Empire State Grant 2018 -2019 for The Mighty Young Techs™

\$427.20 deducted from my paycheck

\$250,000 – Slander & Libel

\$500,000 - Pain and suffering for the mental torture that I endured which led to mental anguish.

(Damages to my reputation and employment)

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE
CERTIFIED MAIL®

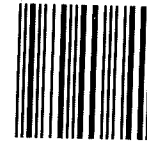


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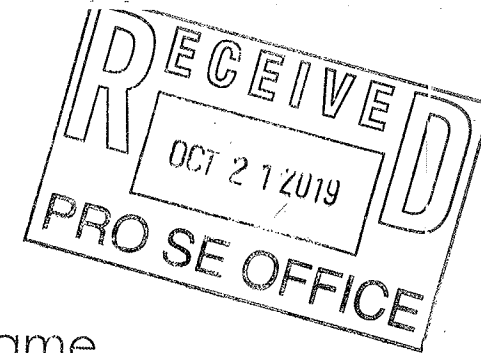


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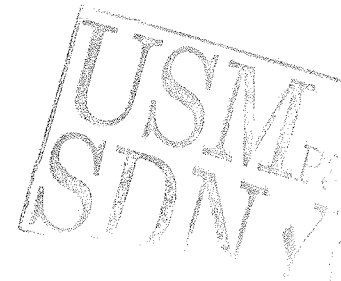
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Carol Melton
PO Box 1014
Poughkeepsie, NY 12602



Recipient Name

Pro Se Intake Unit
Room 200
500 Pearl Street
New York, NY 10007



July 2013
x 9.5

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